



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Band of Miwok Indians
(Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
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ELECTION ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to set forth the rules by which the elections of the Shingle Springs Band of Miwok Indians ("Tribe") shall be conducted. As provided by this ordinance all elections shall be conducted in a similar manner.

Section 2. Definitions

Wherever used in this Ordinance the terms defined in this section shall have the following meaning.

- A. "Absentee Ballot"** - means a ballot which is to be cast by mail or is duly received by the Election Committee as provided by this Ordinance;
- B. "Articles of Association"** - means the governing document of the Tribe;
- C. "Cast Ballot"** - means an official ballot cast in the proper manner at the proper time by a duly registered voter. A ballot is cast by placing it in the ballot box or, in the case of absentee voting, when the ballot is duly received by the Election Committee;
- D. "Election Committee"** - means the five (5) person committee and two (2) alternates appointed by the Tribal Council to conduct elections for the Tribe (Please note: When referenced Election Committee means ONLY the appointed members of the Election Committee). Alternates must attend all meetings and may vote if designated to by the chairperson in accordance with Section 5;
- E. "Enrolled Member"** - means any person who qualifies for membership under Article II of the Articles of Association of the Tribe who has filed for enrollment and has been duly enrolled under the Tribe's Enrollment Ordinance as a member of the Tribe;
- F. "General Membership"** - means all enrolled members of the Tribe who are eighteen (18) years of age or older;
- G. "has attended at least three (6) Tribal Council meetings in the past twelve (12) months"** - means an individual has attended at least three (6) regular monthly Tribal Council meetings (typically held on third Saturday of month) within the twelve (12) months immediately preceding the day of nominations AND has signed an official sign-in sheet when in attendance.
- H. "Initiative"** - means the right and procedure by which Tribal members can propose law by petition and ensure its submission to the Tribal Council for approval;
- I. "Invalid Ballot"** - means a ballot discovered at the time the votes are counted which does not comply with the requirements of this Ordinance. An invalid ballot is not to be counted for any purpose,

including determining the number of ballots cast but will be saved along with all other ballots;

J. “Mutilated and/or Spoiled Ballot” - means an official ballot that has been damaged and/or marked in such a way to clearly understand the choice the voter intended to make. There are two (2) kinds of mutilated ballots:

(1) A ballot that is mutilated and not cast. In this case, the mutilated/spoiled ballot may be exchanged for a new one. If the need arises to exchange a mutilated/spoiled absentee ballot, no additional time will be provided for the new ballot to be received by the Election Committee;

(2) A ballot that is mutilated/spoiled and cast - a mutilated/spoiled cast ballot shall be counted. (The portions in which intent is clear are counted. The portions which cannot be determined are registered as a “no vote,” as if you had not voted on that particular item) in tabulating the total number of votes cast in conjunction with determining whether the required percentage of qualified voters have participated in the election;

K. “No Proxy Voting” - means a member cannot have any other person vote or turn in their ballot on his or her behalf (with the exception of a medical emergency with proof of emergency) i.e. car accident and individual hospitalized days prior to election, proof would be provided by treating physician;

L. “Official Ballot - means a ballot prepared by the Election Committee (official ballots are embossed prior to handing to voter) for use in an election pursuant to this Ordinance. It is possible that an official ballot may be found to be either spoiled or mutilated at the time the votes are counted;

M. “Official Sign-In Sheet” - means an official sign-in sheet submitted at every Tribal Council meeting, regular or special, or at General meetings of the Tribe, submitted by the Secretary-Treasurer or in his or her absence by the Tribal Chairperson or in his or her absence the Tribal Vice-Chairperson, for the purpose of recording attendance;

N. “Tribal Council” - means the duly elected and recognized body of the Shingle Springs Band of Miwok Indians as defined in Article III of the Articles of Association.

Section 3. - Eligibility to Vote

- A. Any enrolled member (not incarcerated) of the Tribe who is eighteen (18) years of age or over regardless of residency shall be eligible to vote provided he/she completes and returns an approved Shingle Springs Rancheria Voter Registration Form. Members only need to register to vote once in their lives. It is the duty of the Committee to inform members of their right to register to vote, including maintaining a target list of members approaching the age of eighteen (18).
- B. Any member wishing to vote on the day of the election who has not registered to vote may register at the polls and receive a ballot provided that his or her name appears on the official roll of enrolled members of the Tribe and show a current Tribal ID. The Voter Registration Form must be completed and submitted prior to counting of absentee ballots.

Section 4. - Eligibility to Hold Office

- A. Any enrolled member of the Tribe who will be eighteen (18) years or older on the day of the

election; has attended at least six (6) Tribal Council meetings within the twelve (12) months immediately preceding the day of nominations and signed the official sign-in sheet at those meetings.

- B. Any person who has been convicted of a felony is ineligible to hold office.
- C. The Gaming Commission shall conduct a background check of all persons nominated to a Tribal office as soon as nominations are made. The Gaming Commission will send results of background checks to the Legal Department who will determine eligibility. If the Legal Department determines that a candidate, who was nominated, has been convicted of a felony as described in Section 4(B), the Election Committee shall declare that person ineligible to appear on the ballot. No such decision of the Election Committee shall take effect until the Election Committee has provided to the person it has declared ineligible, pursuant to this Section, a reasonable opportunity to contest its finding that he or she is a convicted felon.
- D. No person may at the same time be both a member of the Tribal Council and a member of the Tribal Gaming Commission and/or Tribal Gaming Authority.

Section 5. – Election Committee

- A. The Tribal Council shall appoint an Election Committee comprised of five members, and two (2) alternates, who are enrolled members of the Tribe who will serve a four (4) or five (5) year staggered terms and must be reappointed thereafter. All Committee Members shall have one (1) vote. Whenever a Committee Member is absent or whenever a Committee Member disqualifies himself or herself, the Committee Chairperson shall designate an Alternate, if one is present, to act in the Committee Members place. All members of the Election Committee will be required to undergo a background check and drug test upon appointment. The Election Committee shall have the responsibility and authority to conduct elections, as required by this Ordinance. Only individuals appointed by the Tribal Council to the Election Committee and employed by the Legal Department will be authorized to assist in administering the election process unless specified in this ordinance.
- B. The Election Committee shall be responsible for verifying the eligibility of all candidates, provided, however that the background check necessary to determine whether a candidate has been convicted of a felony shall be conducted preferably by the Gaming Commission or other outside source as delegated by the Tribal Council, following nominations, as specified in Section 4(B) above. Within 30 days after nominations, the Election Committee shall mail to each nominee at his or her official address on file with the Election Committee notification of its findings regarding that nominee's eligibility to hold the office for which he or she was nominated. Any nominee aggrieved by a finding of his or her ineligibility may appeal that finding as provided in Section 12 (C) below. All eligible nominees must prepare a biography, no longer than two hundred (200) words, which includes a photograph and explanation of why they want to be on Tribal Council for distribution to the Tribal membership.
- C. Election Committee will hold a candidate meeting to advise candidates of rules, timelines for election and other pertinent information including giving candidates a form to provide their legal and generally recognized names to be used on the ballot. If candidates fail to meet the timelines or any other requirements they will be declared ineligible.

- D. Election Committee will hold a one (1) day opportunity for candidate mailings. No private campaign mailings will be allowed.
- E. The Election Committee shall mail comprehensive election notices to all eligible voters no later than December 1 prior to the annual election. Such notices shall include, at a minimum, copies of any proposals to be voted upon, a list of candidates, the established time for the opening and closing of the polls, reminders that all members must present their Tribal ID cards to vote, information regarding obtaining Tribal ID cards.
- F. The Election Committee shall prepare sufficient ballots for all eligible voters.
- G. The Election Committee shall obtain a register listing of all enrolled members over the age of 18 by Election day from the Tribe's Enrollment Department.
- H. The Election Committee shall conduct Tribal Council elections during the Annual General meeting. Polls will open at 8:00 a.m. and close promptly at 6:00 p.m. The Election Committee only will count all duly cast ballots in the Training Room of the Tribal Services Building behind closed doors in clear view (through the windows) of all that would like to watch the counting process to avoid distraction from crowd and noise. Election results will be posted in full public view no later than 9:00 p.m. on Election Day windows of the Tribal Services Building, Tribal Administration Building, at the Tribe's residential guard shack, and on the Tribe's website. A candidate will be considered elected but not seated at the time of announcement of election results in accordance with Article VII of Articles of Association. During the election, the Election Committee may not request assistance from the General Membership to register voters and distribute ballots. No one other than Election Committee and Legal Department will be allowed to accept, count and/or distribute ballots.

Section 6. – Nominations

- A. All eligible voters will be notified in writing during the month of August that nominations for Tribal Council seats will be accepted at the next Tribal Council Meeting in September, prior to any Tribal Council election. Any qualified member who has announced intent to run must be nominated and seconded by a member other than him/herself at the September meeting and must be present at the meeting to accept the nomination.
- B. All nominations will be made in person by a Tribal Member at the September meeting. The nominator will stand in line and nominate one qualifying member and may then sit down or return to the back of the line to nominate another qualifying member. A nominator may not nominate more than one person at a time. All nominations must be seconded by a Tribal Member. Any Tribal Member wishing to second a nomination must stand up following the nomination and state his or her own name, that they wish to second the nomination, and the name of the individual they are seconding as a candidate for Tribal Council.

Section 7. – Manner of Voting

- A. All elections shall be accomplished by use of secret ballot.
- B. Qualified voters must sign in on Election Day. Upon signing in and confirmation of a valid voter registration form, the voter will receive a ballot. You must show Tribal ID.

- C. No proxy voting will be permitted other than that referenced in Section 2(k).
- D. Any eligible voter may vote by absentee ballot as provided in Section 8 below.

Section 8. – Absentee Voting

- A. All Tribal members who are registered to vote shall be entitled to vote by absentee ballot.
- B. All requests for absentee ballots must be received by the Election Committee no later than November 15. The Election Committee shall mail absentee ballots to all registered voters who have requested them no later than December 1. At the same time, such voters will also be provided a list of the candidates, and instructions for completion and return of the absentee ballot to the Election Committee. No further requests for absentee ballots will be accepted after November 15.
- C. Appropriate records shall be kept of those from whom requests are received and the dates they were received. The Election Committee shall make and keep records of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of the ballot and from who received. Within three (3) days of receipt of ballot, the Election Committee will mail a postcard or other type of written notice to the Tribal Member advising they have received their ballot successfully, if the ballot is received prior to the date of the election (General Election only).
- D. Absentee ballots, hand-delivered, must be personally received by the Election Committee and Legal Department by the close of polls on Election Day. Hand-delivered ballots must be submitted in person by the voter casting the ballot.
- E. Accompanying the absentee ballot shall be: An inner envelope bearing on the outside, the words ‘ABSENTEE BALLOT’, instructions for completion and return of the absentee ballot, list of candidates, date and time when the absentee ballot must be received by the Election Committee and Legal Department and a preaddressed outer envelope imprinted on the back with a certificate as follows,

I, (name of voter), hereby certify that I am a qualified voter of the Shingle Springs Band of Miwok Indians; that I will be 18 years of age or over at the election date and am entitled to vote in the election to be held on (date of election); and that I cannot appear at the polling place on the Rancheria on the date of the election because (indicate one of the following reasons): () I am a non-resident voter; or () I (expect to be temporarily absent from the Rancheria; or () because of illness; or () physical disability; or () because no polling place has been established. I further certify that I marked the enclosed ballot in secret. Signed: (voter’s signature and date)

- F. The absentee voter shall mark the ballot and the ballot shall then be folded so as to conceal the markings and be placed in the envelope marked ‘ABSENTEE BALLOT.’ The envelope marked absentee ballot shall be placed in the preaddressed outer envelope, sealed, certificate completed, signed and mailed.

- G. After duly recording the receipt date of absentee ballots received on time, the Election Committee and one member of Legal Department shall open the outer envelopes, place them in the Election Committee's safe for safekeeping and place envelopes marked "ABSENTEE BALLOT" in a separate box reserved for that purpose. The safe and all ballots shall remain in Legal Department at all times. Then the Committee shall send a postcard or other type of written notice notifying the Tribal member of receipt of absentee ballot if the ballot is received prior to the day of the election (General Election only).
- H. Exchange of Ballot. Any spoiled or mutilated absentee ballot may be exchanged for a new one by **returning it** to the Election Committee with a request for another no later than January 1. The Election Committee shall honor the request promptly and note the dates of the related actions. No extension of time will be granted for receipt of exchanged ballots. Please note that if a Tribal Member received an absentee ballot and they come to the polling place, with the absentee ballot, requesting an in person ballot, the Election Committee **will not give them another ballot** without accepting and destroying their absentee ballot.
- I. All duly cast ballots are to be counted. Even though it will not be possible to determine the intent of the voter regarding spoiled and mutilated ballots, they are to be counted for the purposes of determining whether the required percentage (number) of voters have cast their ballots in the election. Invalid (does not include mutilated/spoiled) ballots shall not be counted for purposes of determining the required percentage of votes cast.
- J. A Post Office box or a mail box with a two (2) key lock, if available, will be maintained for the Election ballots. Election Committee Chairperson will maintain one (1) key and Legal Department will maintain one (1) key. If unable to acquire a two key lock box then the Legal Department will keep the keys in their possession and one member of Legal Dept. and one member of Election Committee will go to the Post Office together.

Section 9. - Polling

- A. The election polling site shall be on the Shingle Springs Rancheria or whatever location the Tribal Council selects.
- B. Polls shall be open from 8:00 a.m. to 6:00 p.m. during the General meeting held annually per direction of the Tribal Council. Polls to submit any enacted or proposed resolution to a referendum of the registered voters shall be open during the Annual General Meeting of the Tribe or at Special Meetings of the Tribe at a time specified by the Tribal Council.
- C. Polls will close at 6:00 p.m. as established by the Tribal Council so as to allow sufficient time for all election results to be certified by the Election Committee and posted no later than 9:00 p.m.
- D. No campaigning shall be allowed at the Annual General meeting or any other meeting where voting will take place. Children under the age of 18 may be present unless they cause a disruption or attempt in any way to campaign or influence voters.
- E. No alcoholic beverages or illegal substances shall be allowed within 100 feet of the polling site.
- F. Only the Tribal members voting will be allowed into the polling area.

Section 10. – Elected Officers

- A. One week after the Election at a special meeting, the elected officers shall be installed according to the Articles of Association, Article VII, Section 1. The Tribal Council shall consist of seven (7) members elected during the Annual General Meeting of the Tribe. The Tribal Council shall elect annually from within its own membership a Chairperson and a Vice-Chairperson and from within or without a Secretary in accordance with the Articles of Association, Article III, Section 2.
- B. Before assuming a position on the Tribal Council, each member shall subscribe to the following oath or affirmation administered by the Tribal Court Judge:

“I _____, do solemnly swear (or affirm) that I will support the Articles of Association, the Constitution of the United States and the laws and policies of the Tribe, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect the best interest of the Shingle Springs Band of Miwok Indians, and will assist it in every way within my power toward better citizenship and progress.

- C. At all elections held under this Ordinance, the members elected to available seats on the Council shall hold office for a period of three (3) years.
- D. Qualified candidates who have run for office and did not receive sufficient votes for election to one of the seven (7) positions on the Tribal Council shall be registered as Alternate Tribal Council Members. There may only be two (2) alternates seated at a time. An Alternate Tribal Council Member may be seated on the Tribal Council in the event of a vacancy to fulfill the term of office. Seated alternates are expected and required to attend all Tribal Council meetings.

Section 11. – Election Results

- A. After the close of the polls, ballots will be counted by the Election Committee and the results posted no later than 9:00 p.m. in full public view outside the Tribal Administration Office. At the conclusion of the recording of the ballots, the Official Election Record shall be signed and dated by the Tribal Election Committee.
- B. A copy of the election results certified by the Tribal Council and the Election Committee shall be sent to the Superintendent, Central California Agency, Bureau of Indian Affairs, Sacramento, California.
- C. All election materials must be kept under lock and key in Legal Department for no less than forty-five (45) days after the election to accommodate protests or appeals. After forty-five (45) days, all election materials and keys are to be turned over to Legal Department for storage under triple lock. After the next meeting of the Election Committee, all committee members will together shred the election materials.
- D. In the event that the ballot count reveals that two (2) candidates for the same position have received the same number of votes, then there will be an immediate recount by the Election Committee.

If a tie exists at the completion of the recount, the Election Committee will call a special 'run off' election limited to the candidates with the tie votes. The 'run off' election shall be held not more than ninety (90) days from the date of the election in which the tie vote occurred. The 'run-off' election will be conducted in the same manner described in Section 5 above. The Tribal Council may allow "run-off" elections to be held by absentee ballot only.

Section 12. - Appeals

- A. **Election Disputes.** Appeals to resolve election disputes shall be heard first by the Election Committee and finally by the Tribal Court within three (3) business days of filing of appeal. The appeal to resolve election disputes must be submitted to the Election Committee within three (3) business days of receiving the Election Committee's decision. The Election Committee will then have five (5) business days to answer the appeal. The Tribal Member may then appeal that decision to the Tribal Court by filing it within three (3) business days. The filing fee for the appeal to Tribal Court is \$250. The decision of the Tribal Court shall be final. The prevailing party will be awarded fees and costs by the Tribal Court.
- B. **Conduct of Election.** Any appeals which protest the conduct of an election or the results thereof shall be presented to the Election Committee within forty-five (45) days following an election and none shall be considered after the forty-five (45) day period has elapsed and finally by the Tribal Court within three (3) business days of filing of appeals. The Election Committee will then have five (5) business days to answer the appeal. The Tribal Member may then appeal that decision to the Tribal Court by filing it within three (3) business days. The filing fee for the appeal to Tribal Court is \$250. The decision of the Tribal Court shall be final.
- C. **Candidate Eligibility.** Any candidate may appeal the Election Committee's determination of eligibility first to the Election Committee and finally by the Tribal Court. The candidate's appeal to the Election Committee must be submitted within three (3) business days of receiving the Election Committee's decision. The Election Committee will then have five (5) business days to answer the appeal. The candidate may then appeal that decision to the Tribal Court by filing it within three (3) business days. The filing fee for the appeal to Tribal Court is \$250. The decision of the Tribal Court shall be final.

Section 13. – Vacated Offices

In the event of the death of a Tribal Council member or should any elected official voluntarily resign his/her office, or should a resignation occur by order of recall by the General Council, or a Tribal Council member is disenrolled, or by conviction of felony under the Articles of Association Section 3(b), the Tribal Council shall seat the Alternate Council Member who received the next highest number of votes in the election to fulfill the term of the vacant office.

Recall shall be conducted in accordance with Article V, Section 2, of the Articles of Association.

Section 14. – Special Elections

Special elections may be held under the same rules as stated above. The following will be the mandatory timelines for special elections: 1) Notice of Special Election and Request for Absentee ballots must be mailed by Election Committee and Legal Department to all qualified members of the

Tribe no later than 60 days prior to Special election, 2) requests for absentee ballots must be returned to Election Committee and Legal Department no later than 45 days prior to Special election and 3) completed absentee ballots must be returned to Election Committee and Legal Department in accordance with Sections 8 and 9 above.

The Tribal Council may allow Special Elections to be held by absentee ballot only.

Section 15. - Referendum

Referendum shall be conducted in accordance with Article XI of the Articles of Association.

Section 16. - Initiative

Initiative shall be conducted in accordance with Article XII of the Articles of Association.

Section 17. - Severability

If any part of this Ordinance is found void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein

Section 18. - Effective Date

This Ordinance shall become effective immediately upon adoption by a majority vote of the Tribal Council of the Shingle Springs Band of Miwok Indians.

Section 19. - Amendments

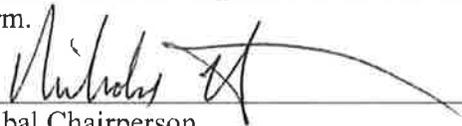
This Ordinance may be amended by the Tribal Council at any duly called regular or special meeting.

Section 20. - Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Ordinance or by action by the Tribal Council, or other staff of the Tribe acting pursuant to this Ordinance.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 1st day of May 2014 at which time a quorum of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said Ordinance has not been rescinded or amended in any form.


Tribal Chairperson

May 1, 2014
Date


Secretary

May 1, 2014
Date



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
P.O. Box 1340, Shingle Springs CA 95682
(530) 676-8010 office; (530) 676-8033 fax

RESOLUTION 2014-39

SUBJECT: APPROVAL OF AMENDMENTS TO THE TRIBE'S ELECTION ORDINANCE.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe, on June 19, 1976 did adopt the Articles of Association for the management of all Tribal affairs; and

WHEREAS, Article III and IV of the Tribe's Articles of Association provides for the election of a Tribal Council; and

WHEREAS, the Tribal Council has developed an Election Ordinance to govern the elections of the Shingle Springs Band of Miwok Indians, as most recently amended on December 5, 2013; and

WHEREAS, the Election Ordinance is being amended to allow the Committee Chairperson to designate alternates to act in a Committee Members place whenever a Committee Member is absent or disqualifies himself or herself; and

WHEREAS, the Tribal Council has reviewed the attached Amended Election Ordinance and has determined that it is consistent with the amended provisions.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby enacts and adopts the amended attached "Election Ordinance" as an ordinance of the Tribe, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 1st day of May, 2014 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.

Chairperson

May 1, 2014

Date

ATTEST:

Secretary

May 1, 2014

Date